

veto

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I disapprove, and am vetoing and filing with the Secretary of State Senate Bill 63.

While I recognize full well that this bill contains needed and worthwhile revisions in the Employees Retirement System of Texas affecting regular state employees, I am opposed to the bill because of the procedure by which benefits were increased for legislative members of the system. In order that there can be a full understanding of the situation, I will recite the history of participation by members of the Texas Legislature in the Employees Retirement System.

Prior to 1963, members of the Texas Legislature had no retirement system of their own and had no authority to participate in any existing system. House Bill 902 was introduced in the 58th Legislature to accomplish important revisions of the Employees Retirement System. It was introduced in a form that did not encompass legislative participation in the system. House Bill 902 was initially approved by the House of Representatives on April 4, 1963.

When House Bill 902 was considered by the Senate on May 21, 1963, a complete substitute was offered. That substitute included for the first time a provision authorizing elected state officials to participate in the Employees Retirement System. The substituted version of House Bill 902 passed the Texas Senate without objection. House Bill 902 was concurred in by the House of Representatives on the same day. House Bill 902 was enrolled, signed by the Lieutenant Governor and the Speaker during the session of both Houses and received in my office also on May 21, 1963.

So, in a matter of hours, without advance notice, without public hearing, and with practically no discussion, the Texas Legislature authorized participation by elected state officials in the Employees Retirement System for the first time.

\$100 - \$150

26 years

now 10 - 20 now - same \$10

every month for

Under the substitute, elected state officials could begin participating by contributing 5 percent of their salary beginning that year and were given credit toward their retirement for all service prior to 1963 even though no funds were contributed by them during the prior years.

Under this revised version of House Bill 902, legislators who were in office on January 1, 1963, and who subsequently contributed 5 percent of their \$400 per month salary (the same percentage contribution made by state employees) would receive retirement benefits for this contribution determined differently from those of regular state employees. Under this Act, state legislators received retirement benefits of \$10 per month for each year of service in the Texas Legislature and for each year of military service. So, a legislator who served in the Legislature for twelve years and who had three years of military service would receive \$150 per month of retirement benefits.

I would note in passing that there were some former members of the Legislature who were not reelected in 1962 and, therefore, did not serve during the 58th session were permitted under this Act to participate in the Employees Retirement System by making a single contribution of 5 percent of the part of the month's salary they received in January, 1963. So, by making a one-time payment of approximately \$10, some former legislators were allowed to receive retirement benefits of several hundred dollars per month from the System for the rest of their lives.

Because of the very important and valuable changes in the bill affecting state employees, I reluctantly permitted that bill to become law; but I publicly questioned the procedure by which a provision was inserted on the bill to permit elected state officials to participate in the Employees Retirement System. I had thought and I had hoped that this type of procedure would not be repeated.

But this present bill tracks the procedure we witnessed in 1963. When it was introduced, it contained only provisions relating to regular state employees. It passed the Senate in that form. It passed the House in an amended form which

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still covered only regular state employees. When the Senate refused to concur in the House of Representatives' amendments, a conference committee was appointed. For the first time, this conference committee--again without prior notice and without any public hearing--included a provision in the present bill which increases by 50 percent the benefits that elected state officials receive under the Employees Retirement System. The amount these officials must contribute and pay into the system was not increased.

While there may be good, sufficient, and justifiable reasons for increasing the benefits for elected state officials, there is no good reason, no sufficient reason, and no justifiable reason for doing it in the manner we witnessed in this bill. If the majority of the Texas Legislature believe that the benefits should be increased, this can be accomplished by introduction of a bill containing these provisions. Then, notice can be given to the public and hearings can be held at which all interested parties can express their views on the legislation.

Because of the highly questionable procedure by which this particular provision of this bill was included in the bill and considered by the Legislature, I am opposed to the bill and feel compelled to veto it.

Moreover, the bill contains a constitutional imperfection. Article III, Section 36 of the Texas Constitution provides:

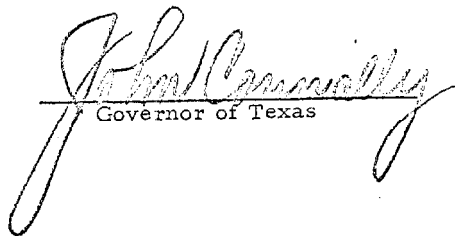
"No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length."

Section 1 of this bill attempts to amend what has been codified as Section 3, Subsection A, Sub-subsection 3 of Article 6228a of Vernon's Texas Civil Statutes by amending the "first sentence only." Since the Constitution prohibits the amendment of existing statutes by changing only one sentence in a particular section, this Section 1 of the bill is, therefore, unconstitutionally drafted.

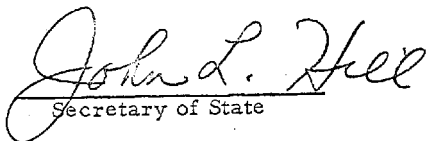
For all of the reasons stated above, I am opposed to permitting this bill to become law and I, therefore, disapprove it.

Senate Bill 63 was received in the Governor's Office less than 10 days prior to the adjournment of the Regular Session of the 60th Legislature, and in accordance with Article IV, Section 14 of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of State to be affixed hereto at Austin this day of June, 1967.


Governor of Texas

By the Governor:


Secretary of State